

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

TODD MICHAEL KENYON, :
Plaintiff :
v. : Case No. 3:21-cv-170-KAP
CORRECTIONS OFFICER MOFFITT, :
et al., :
Defendants :
:

Memorandum Order

I dismissed this matter without prejudice as a sanction for plaintiff's failure to prosecute on February 22, 2024, explaining what plaintiff had to do to reopen the case. The following week, plaintiff filed a motion for appointment of counsel. I denied that on February 27, 2024, explaining that plaintiff needed to set out what efforts he made in the last three years to obtain counsel. I advised plaintiff that if within a reasonable time he did not show either that his failure to attend the pretrial conference was not his fault or pay opposing counsel's cost, I would dismiss the matter with prejudice.

Plaintiff has made no contact with the Clerk since then. Accordingly, the dismissal of this matter is converted to dismissal with prejudice. Plaintiff does not have to comply with my sanctions order to appeal. However, he must pay the full filing fee for the appeal with the notice of appeal or seek leave from the Court of Appeals to proceed *in forma pauperis*, because the history of this matter shows that any appeal would not be taken in good faith. *See* 28 U.S.C. § 1915 (a)(3).



DATE: April 15, 2024

Keith A. Pesto,
United States Magistrate Judge

Notice by ECF to counsel and by U.S. Mail to:

Todd Kenyon
Hope Center Ministries
11076 County Line Road
Greenville, PA 16125